REMARKS

Claim 1 has been amended to include the limitations of claim 11 and claim 11 has been canceled, i.e., amended claim 1 is the same as claim 11 rewritten in independent form.

Claims 1 to 11, 13, 14, 17 to 19, 21 to 27, 29, 30 and 34 are rejected under 35 U.S.C. 103(a) as obvious over Kyoko (JP 01-097255; hereinafter "Kyoko") in view of Barge et al. (U.S. 5,989,688; hereinafter "Barge").

The position of the Office in this rejection is that the diaper of Kyoko meets the limitations of claim 1 except for a breathable top sheet. The Office cites Barge as teaching a breathable top sheet. Regarding claim 11, the Office cites Barge as disclosing that at least one of the synthetic layers has bi-component polypropylene/polyethylene (PP/PE) disintegrated by water jet treatment.

Applicants respectfully submit that the combination of Kyoko and Barge fails to support a prima facie case of obviousness under 35 U.S.C. § 103(a) of the claims of the application, particularly as amended.

As recited in amended claim 1, the body fluid absorbing product of the present invention is one in which as a water-absorbing component use is made of a nonwoven fabric comprising a

synthetic bi-component fiber disintegrated by water jet treatment and having a fineness in the range of 0.01 dtex to 2 dtex. A bi-component fiber disintegrated by water jet treatment is a separable compound fiber. Applicants note in this regard that the recitation "disintegrated by water jet treatment" is a patentable limitation because such limitation inherently limits the components of the fiber and a bi-component fiber, elements of the bi-component fiber having been disintegrated by water jet treatment, is structurally different than a bi-component fiber which has not been so treated.

In a separable compound fiber which can be disintegrated by water jet treatment, the energy of the interface adhesion of the compounded polymers must be limited and in order to provide such a fiber, it is required to select two suitably incompatible polymers for use. As described in paragraph [0029] of the specification of the present application, combinations of [incompatible] polymers suitable for use as separable compound fibers include polyester-nylon, polyester-polyolefin and polyester-polystyrene.

The Office alleges that the bicomponent PP/PE binder fibers of Barge as described in Col. 17, lines 6-17, are water separable compound fibers. However, as can be seen from Example 1, Col. 16, lines 61-64, the "PP/PE binder fibres, 1.7 dtex, treated with a permanent hydrophilic finish (ES-REPEAT-C from Danaklon a/s)"

described in Col. 17, lines 11-13, are "bicomponent sheath-core" fibers. A sheath-core bicomponent fiber cannot be disintegrated into respective components thereof by water jet treatment. This fact is evidenced by the fact that both PP and PE in the bicomponent PP/PE binder fibers of Barge are olefins and are highly compatible (and, therefore, not separable by water jet treatment).

Since the bicomponent sheath-core polypropylene/polyethylene binder fiber of Barge is not a bi-component fiber disintegrated by water jet treatment as recited in claim 1 of the present application as amended, the proposed modification of Kyoko with Barge will not result in the fluid absorbing product of the present invention of the present invention as recited in claim 1.

Claims 12, 15, 16, 20, 28 and 31 to 33 are also rejected under 35 U.S.C. 103(a) as being obvious over Kyoko and Barge in combination with various other references including Guarracino et al. (U.S. Patent No. 6,080,908), Dragoo et al. (U.S. Patent No. 5,486,167), Fujioka et al. (U.S. Patent No. 6,056,732), Rosch et al. (U.S. Patent No. 4,585,450), McBride et al. (U.S. Patent No. 5,217,803) and Lustberg (U.S. Patent No. 2,115,368). However, each of the rejected claims depends directly or indirectly on claim 1 and the propriety of the rejections depends on the propriety of the rejection of claim 1 (and claim 11) over Kyoko in view of Barge.

Since the combination of Kyoko and Barge has been shown to be insufficient to support the 35 U.S.C. § 103(a) rejection of claim 1, the other 35 U.S.C. 103(a) rejections must fail.

Removal of the rejections of the claims is believed to be in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated June 21, 2006, and is believed to place this application in condition for allowance.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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